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Steve Yaeger  
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Dear Steve:

Thank you for your January 28 invitation to comment on the January 1994 Water Supply Paper prepared for BDOC by the Department of Water Resources.

The paper provides much of the extensive and valuable information which is also contained in the November 1993 draft of Bulletin 160-93. It also somewhat updates that document regarding the probable impacts of Federal mandates. However, it does not address some important uncertainties, trends, and interrelations that will be important in determining the best way to achieve environmental improvement in the Delta while meeting essential human needs for jobs, food, and domestic use, and while transferring water from north to south and west to meet those needs.

Issues that need further attention include the following:

- 1) With any given level of water allocation south of the Delta, the amount that must be brought across the Delta depends on the extent that water can be developed south of the Delta. The Bulletin does not address the potential for raising Friant Dam which is small relative to its inflow, raising Pine Flat and connecting it to a new dam on Mill Creek, subsurface banking of wet year San Joaquin valley waters, using wet year river flows to provide wetland refuge water otherwise delivered from the DMC, etc.
- 2) The unimpaired flow of the watershed of the San Joaquin River System has been overcommitted for some time, as evidenced by insufficient Delta inflow to reach the Central Delta in some months of many years, even absent export pumping. The CVP-IA now exacerbates this by taking a disproportionate share of its water

reallocation from this system. Urban and other development in the valley is steadily increasing the proportion of diverted water that is used consumptively, and this reduces return flows. How much further decline in river flow will this cause? Exports from the Tuolumne Basin direct to the Bay Area increased about five fold in the last 40 years. What further increases are likely in the next 30 years? How will exports to the Bay Area from the Mokelumne system affect Delta inflow? Will this overcommitment of San Joaquin water lead to more transfer of Sacramento water?

3) How would water storage on Delta islands affect the problem of transferring Sacramento water for export to the south?

4) How will dual-purpose use of San Joaquin water for instream flows and subsequent recapture for other uses be affected by present and further proposed mandated shifts of limited supplies from summer releases to spring and fall fish releases?

5) The proposed EPA Vernalis water quality standard for striped bass will presumably increase striped bass predation on salmon smolts. How much will this increase the flows needed to achieve the required doubling of San Joaquin salmon?

6) The State forecasts an increase of almost two thirds in California's population over thirty years. The State has no plan or serious study as to the source of food for 19 million more people. In the absence of any plan, Bulletin 160 assumes that the allocation of water to produce food and fiber will be allowed to decline substantially. It would apparently decline to about half, or less, of recent allocations on a per capita basis. The Governor is being asked to address this policy vacuum. It may be decided that the State should not stake its future on the availability of food on the world market after 30 years of further growth in the world's population. If so, what will be the implications for Delta planning?

7) Since the Bulletin assumes that water allocations for agriculture will be allowed to decline, it also assumes that we can accept the loss of farm production that will result from continuing to accumulate ten of millions of tons of salt in valley soils. This accumulation results from the importation of salt via the DMC and the failure to provide a method of drainage disposal outside the valley. If there were a disposal system, the Bay Area effluent that is now lost to the Bay could be used in the valley without exacerbating the problem of salt accumulation. How much would this be worth to the water supply system?


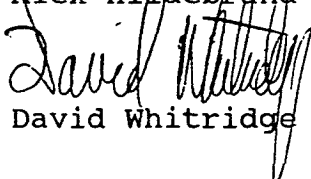
Lastly we offer some legal comment. The discussion of Bay/Delta Water Rights beginning on page 21 is extremely incomplete and misleading particularly in regard to Decision

1485. Rather than discussing Decision 1485 as if it were some sort of authority, it should be noted that that Decision was invalidated by the California appellate courts in 1986 (United States v. State Water Resources Control Bd., 182 Cal. App. 3d. 82, "Racanelli Decision"). One of the holdings of that Decision was that D-1485 was flawed by "omitting any standards for the southern Delta" (page 122). The court further stated "we presume the Board's scheduled 1986 hearing will not only seek to remedy that glaring omission but also result in a comprehensive program to implement such objectives which will include the projects and other users along the watercourse" (page 126).

The BDOC paper is correct in stating (at page 22) that the Board adopted a new final Water Quality Control Plan in May 1991. However, the Board has still to date taken no action to implement that plan in regard to the southern Delta objectives. Although it is true that EPA is proposing new Bay/Delta standards, these are only for fish and wildlife and no agency is taking the action required by the court Decision to implement southern Delta agricultural standards. The proposed EPA action, by reducing the availability of water for purposes other than fishery, could make it more difficult for the Board to carry out its long-overdue legal mandate to implement adequate agricultural objectives.

Thank you again for the opportunity to comment on this subject.

Sincerely yours,

  
Alex Hildebrand  
  
David Whitridge